

SUPREME COURT OF TEXAS

Resendez v. Johnson

52 S.W.3d 689 (Tex. 2001) · No. No. 99-0728 · Decided January 18, 2001

SUMMARY

The Supreme Court of Texas dismissed the petitions for review for want of jurisdiction in an interlocutory appeal involving claims arising from alleged excessive corporal punishment of students. The court held that the cited authorities did not establish a conflict supporting jurisdiction and did not decide whether an interlocutory summary judgment triggers immunity under Texas Tort Claims Act section 101.106.

CASE DETAILS

COURT	Supreme Court of Texas
WRITING FOR THE COURT	Justice Enoch
JURISDICTION	Texas
DECIDED	January 18, 2001
DOCKET	No. 99-0728
DISPOSITION	dismissed
PROCEDURAL POSTURE	Interlocutory appeal from the denial of individual defendants' motion for summary judgment and plea to the jurisdiction. The Supreme Court of Texas had granted petitions for review but reconsidered and dismissed them for want of jurisdiction.
STANDARD OF REVIEW	The Supreme Court applied the jurisdictional conflict standard for Texas Supreme Court review, requiring a conflict on the same facts and the same question of law actually decided.
PRECEDENTIAL VALUE	Published and precedential as to the limits of Texas Supreme Court conflict jurisdiction in an interlocutory appeal; no merits holding on substantive due process or section 101.106's application to an interlocutory summary judgment.
PARTIES	Ernesto Resendez, Maria Resendez, Patsy Manning, Lester Vaughn, Sr., Adela Moreno v. Ron Johnson, Chad Woolery

TOPICS

appellate jurisdiction

interlocutory appeal

appellate procedure

statutory interpretation

civil procedure

PRACTICE AREAS

Appellate procedure

Civil procedure

Governmental immunity

Constitutional law

QUESTIONS PRESENTED

1. Whether the Supreme Court of Texas had jurisdiction over the interlocutory appeal based on an alleged conflict between the court of appeals' decision and prior precedent.
2. Whether the alleged legal error or statutory construction issue supplied a basis for Supreme Court jurisdiction over the interlocutory appeal.

HOLDINGS

1. The court of appeals' decision did not conflict with *Thomas v. Oldham* because *Thomas* involved final judgments rendered after trial, whereas this case involved the effect of an interlocutory summary judgment under section 101.106; the issue decided below was not decided in *Thomas*.
2. An allegation that the court of appeals erred, including an allegation involving statutory construction, does not independently confer Supreme Court jurisdiction in the context of an interlocutory appeal.

KEY QUOTATIONS

"We therefore conclude that we lack jurisdiction over this case, and that the petitions were improvidently granted and must be dismissed for want of jurisdiction." (52 S.W.3d at 693)

FACTUAL BACKGROUND

The parents alleged that their four children were excessively disciplined at E.B. Comstock Middle School in Dallas. They asserted state and federal claims against the school district, district officials, the principal, and teachers. The District obtained summary judgment, while Johnson and Woolery's motion for summary judgment and plea to the jurisdiction were denied.

PROCEDURAL HISTORY

Parents sued the Dallas Independent School District, district officials, a principal, and teachers based on allegations that their children received excessive corporal punishment at school. The trial court granted summary judgment for the District but denied Johnson and Woolery's motion for summary judgment and plea to the jurisdiction. The court of appeals affirmed as to Johnson and Woolery, concluding that section 101.106 of the Texas Tort Claims Act did not confer immunity absent a final judgment for the District. The Supreme Court of Texas concluded that the court of appeals' decision did not conflict with the cited precedent and dismissed the petitions for want of jurisdiction.

DISPOSITION

dismissed

CASES CITED

- Thomas v. Oldham, 895 S.W.2d 352 (Tex. 1995)
- Coastal Corp. v. Garza, 979 S.W.2d 318 (Tex. 1998)
- Gonzalez v. Avalos, 907 S.W.2d 443 (Tex. 1995)
- Christy v. Williams, 156 Tex. 555, 298 S.W.2d 565 (1957)
- LeLeaux v. Hamshire-Fannett Independent School District, 798 S.W.2d 20 (Tex. App.—Beaumont 1990),
aff'd on other grounds, 835 S.W.2d 49 (Tex. 1992)
- State v. Saenz, 967 S.W.2d 910 (Tex. App.—Corpus Christi 1998, pet. denied)
- Gonzalez v. El Paso Hospital District, 940 S.W.2d 793 (Tex. App.—El Paso 1997, no pet.)
- North East Independent School District v. Aldridge, 400 S.W.2d 893 (Tex. 1966)
- In re Sabine Valley Center, 986 S.W.2d 612 (Tex. 1999)
- Dallas County Mental Health & Mental Retardation v. Bossley, 968 S.W.2d 339 (Tex. 1998)
- City of Tyler v. Likes, 962 S.W.2d 489 (Tex. 1997)